

Calendar No. 289

105TH CONGRESS
1ST SESSION

S. 1354

To amend the Communications Act of 1934 to provide for the designation of common carriers not subject to the jurisdiction of a State commission as eligible telecommunications carriers.

IN THE SENATE OF THE UNITED STATES

OCTOBER 31, 1997

Mr. MCCAIN (for himself, Mr. CAMPBELL, Mr. STEVENS, Mr. INOUE, Mr. DASCHLE, Mr. DORGAN, and Mr. STEVENS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

NOVEMBER 8, 1997

Reported by Mr. MCCAIN, without amendment

A BILL

To amend the Communications Act of 1934 to provide for the designation of common carriers not subject to the jurisdiction of a State commission as eligible telecommunications carriers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. AMENDMENT OF COMMUNICATIONS ACT OF**
2 **1934.**

3 Section 214(e) of the Communications Act of 1934
4 (47 U.S.C. 214(e)) is amended—

5 (1) by striking “(2) or (3)” in paragraph (1)
6 and inserting “(2), (3), or (6)”;

7 (2) by striking “interstate services,” in para-
8 graph (3) and inserting “interstate services or an
9 area served by a common carrier to which paragraph
10 (6) applies,”;

11 (3) by inserting “(or the Commission in the
12 case of a common carrier designated under para-
13 graph (6))” in paragraph (4) after “State commis-
14 sion” each place such term appears;

15 (4) by inserting “(or the Commission under
16 paragraph (6))” in paragraph (5) after “State com-
17 mission”; and

18 (5) by inserting after paragraph (5) the follow-
19 ing:

20 “(6) COMMON CARRIERS NOT SUBJECT TO
21 STATE COMMISSION JURISDICTION.—In the case of a
22 common carrier providing telephone exchange service
23 and exchange access that is not subject to the juris-
24 diction of a State commission, the Commission shall
25 upon request designate such a common carrier that
26 meets the requirements of paragraph (1) as an eligi-

1 ble telecommunications carrier for a service area
2 designated by the Commission consistent with appli-
3 cable Federal and State law. Upon request and con-
4 sistent with the public interest, convenience and ne-
5 cessity, the Commission may, with respect to an area
6 served by a rural telephone company, and shall, in
7 the case of all other areas, designate more than one
8 common carrier as an eligible telecommunications
9 carrier for a service area designated under this para-
10 graph, so long as each additional requesting carrier
11 meets the requirements of paragraph (1). Before
12 designating an additional eligible telecommunications
13 carrier for an area served by the rural telephone
14 company, the Commission shall find that the des-
15 ignation is in the public interest.”.

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